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TRANSCRIPT OF RECORD

Supreme Court of the United States

OCTOBER TERM, 1937

No. 37

DAVID A. WRIGHT, PETITIONER,

vs.

THE UNITED STATES

ON WRIT OF CERTIORARI TO THE COURT OF CLAIMS

PETITION FOR CERTIORARI FILED APRIL 30, 1937

CERTIORARI GRANTED JUNE 1, 1937

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1936.

No. 939

DAVID A. WRIGHT, PETITIONER,

vs.

THE UNITED STATES

ON PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CLAIMS

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[fol. 1]

IN THE COURT OF CLAIMS OF THE UNITED STATES

No. 261-A

DAVID A. WRIGHT, Plaintiff,

v.

THE UNITED STATES, Defendant

I. PETITION TO REINSTATE, REOPEN, REHEAR, AND READJUDICATE (UNDER A SPECIAL ACT OF CONGRESS.)—Filed September 14, 1936

To the Honorable, the Chief Justice and Associate Justices of the Court of Claims:

The plaintiff, David A. Wright, respectfully represents as follows:

I

Plaintiff is a citizen of the United States. At the time of the institution of this suit on September 10, 1921 and, at the [fol. 2] time of the transactions set forth in his petition filed herein on September 10, 1921, he was a resident of Chicago, Illinois. Since September, 1929, he has been and is now a resident of Winona, Missouri.

II

On Friday, April 24, 1936, the Senate of the United States presented to the President of the United States the enrolled bill, S. 713, granting jurisdiction to the Court of Claims to hear the case of David A. Wright, which had passed both Houses of Congress and been signed by the Speaker of the House of Representatives and the President of the Senate.

III

On Monday, May 4, 1936, the Senate of the United States took a recess until noon Thursday, May 7, 1936. During said period—May 4 to May 7, 1936—the House of Representatives of the United States was in session.

IV

During said recess of the Senate, the President of the United States sent, by messenger, the bill, S. 713, together with a message dated May 5, 1936, addressed to the Senate of the United States giving his objections to said bill. The bill and message were not returned to the Senate of the United States, but were delivered to and left with the Secretary of the Senate.

V

On May 7, 1936, the Secretary of the Senate addressed [fol. 3] and delivered to the Senate the following letter with which he transmitted the papers therein mentioned.

"United States Senate,
Washington, May 7, 1936.

Hon. John N. Garner, President of the Senate.

My Dear Mr. President:

On Friday, April 24, 1936, the Committee on Enrolled Bills of the Senate presented to the President of the United States the enrolled bills (S. 713) granting jurisdiction of the Court of Claims to hear the case of David A. Wright, and (S. 929) for the relief of the Southern Products Co., which had passed both Houses of Congress and been signed by the Speaker of the House of Representatives and the President of the Senate.

The Senate, at 3:25 p. m. Monday, May 4, 1936, took a recess until 12 noon on Thursday, May 7, 1936.

During the interim the President of the United States sent by messenger two messages addressed to the Senate, each dated May 5, 1936, giving his reasons for not approving, respectively, Senate bill 713 and Senate bill 929. The Senate not being in session on the last day which the President had for the return of these bills under the provisions of the Constitution of the United States, in order to protect the interests of the Senate, so that it might have the opportunity to reconsider the bills, I accepted the messages, and I now present to you the President's veto messages, with the accompanying papers, for disposition by the Senate.

Sincerely yours, Edwin A. Halsey, Secretary of the Senate."

On the same date, May 7, 1936, the President of the Sen-
[fol. 4] ate laid before the Senate the Secretary's letter of May 7, 1936, and also the message of the President of the United States which message was read, and, with the accompanying bill, S. 713, referred to the Committee on Claims of the Senate.

VI

Said bill, S. 713, originated in the Senate of the United States. No action, other than that set forth in Paragraph V above, has ever been taken by the Senate of the United States on said returned bill nor on the President's message thereon. No action, other than that set forth hereinbefore, has ever been taken by the President of the United States on or with reference to said bill, S. 173, and the President never returned the said bill with his objections to the Senate of the United States and said Act became and is a law of the United States.

VII

This petition is filed under authority of and pursuant to the provisions of said Act of Congress (S. 713), being "An Act granting jurisdiction to the Court of Claims to hear the case of David A. Wright," which provides as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Court of Claims be, and hereby is, given jurisdiction to reinstate, reopen, and rehear the case of David A. Wright, of Winona, Missouri, against the United States, numbered 261-A in said court, and upon the pleadings, evidence, and other proceedings in that cause, and such other
[fol. 5] proceedings, if any, as the Court may deem necessary or proper, to readjudicate the same and determine the amount of costs or expenditures, if any, which the said David A. Wright may have expended or incurred in 1918 in the rehabilitation of a manufacturing plant (commonly called the Allis-Chalmers Plant) at 1150 Washtenaw Avenue, Chicago, Illinois, and in the beginning of production of heavy-duty lathes, to meet the needs, or the then-anticipated needs, of the Ordnance Department for any gun-relining or gun manufacturing project initiated and under way in the Ordnance Department of the United States Army, in reliance in good faith upon any promise or assurance given him by Major Charles D. Westcott, Ordnance Department,